

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2014. (U 39 M)

Application 12-11-009
(Filed November 15, 2012)

And Related Matter.

Investigation 13-03-007

**DECISION GRANTING COMPENSATION TO THE NATIONAL
ASIAN AMERICAN COALITION FOR SUBSTANTIAL
CONTRIBUTION TO DECISION 14-08-032**

Intervenor: National Asian American Coalition (NAAC)	For contribution to Decision (D.) 14-08-032
Claimed: \$192,506.00	Awarded: \$154,990.50 (reduced 19.5%)
Assigned Commissioner: Michel Florio	Assigned ALJ: ALJ Division¹

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	This decision approves test year revenue requirements increases of \$460 million, (for a 6.9% increase) for Pacific Gas and Electric Company (PG&E) pursuant to its 2014 General Rate Case (GRC) Application 12-11-009 and Investigation 13-03-007.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	January 11, 2013	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	February 7, 2013	February 8, 2013.

¹ This proceeding was originally assigned to Judge Pulsifer who has since retired.

4. Was the NOI timely filed?		Yes.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.10-11-015, and subsequently A.13-11-003	Verified.
6. Date of ALJ ruling:	July 8, 2011, and April 18, 2014, respectively.	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.13-11-003	Verified.
10. Date of ALJ ruling:	April 18, 2014	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-08-032	Verified.
14. Date of issuance of Final Order or Decision:	08/20/2014	Verified.
15. File date of compensation request:	10/08/2014	Verified.
16. Was the request for compensation timely?		Yes.

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
5,6	<p>In its NOI in this proceeding, the NAAC relied on the A.10-11-015 ruling. Due to an oversight, the NAAC did not submit amended bylaws as ordered by the ALJ in the July 8, 2011 ruling. On May 16, 2014, in connection with its compensation claim in A.10-11-015, the NAAC submitted signed amendments bylaws completing the statutory requirements of § 1802(b)(1) and establishing eligibility as a Category 3 customer.</p> <p>The NAAC was subsequently found to have Category 3 customer status and significant financial hardship by the ALJ in A.13-11-003.</p>	Verified.

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Settlement with PG&E</p> <p>The NAAC and the other joint intervenors entered into a settlement agreement with PG&E that addressed issues of marketing, outreach, community engagement, auditing, and diversity.</p> <p>This agreement included provisions to promote workplace and supplier diversity, a commitment by PG&E to put out to bid its overall auditing function, to devote a set amount of outreach/rate education efforts to underserved communities, and to consult with service area stakeholders prior to its next GRC on economic conditions in its service area. PG&E also committed to file testimony during its next GRC describing its efforts to engage with community-based organizations and increase employment diversity.</p> <p>The agreement was found to be reasonable in light of the whole record and in the public interest, and it was adopted with slight modifications based on the comments of TURN and the Greenlining Institute.</p>	D.14-08-032, pp. 667-669.	The adopted settlement with PG&E constitutes a substantial contribution to D.14-08-032.
2. General and Procedural		Some of the hours claimed in this category

This category includes time spent on procedural requirements, reviewing briefs of other parties, filings related to procedural issues, and preparation for the need to possibly litigate the proceeding. This category also includes time spent in engaging in coordination with other intervenors and among the Joint Parties.		are disallowed as excessive or failing to make substantial contribution. <i>See Section III.D below.</i>
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?²	Yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: TURN and the Greenlining Institute		Verified.
d. Intervenor's claim of non-duplication: ORA does not represent, except only generally, the same communities as the Joint Parties, and does not have the same grassroots involvement in those communities. Accordingly, ORA's positions are necessarily different, as proved to be the case in this GRC to the positions of the Joint Parties. With regard to the Greenlining Institute and TURN, both well-respected and strong advocates for ratepayers before this Commission, our positions aligned with regard to certain positions, as was demonstrated by their comments on the Settlement. That said, the Joint Parties and the perspective they bring are distinct and unique from those of the aforementioned groups as the Joint Parties all provide direct services to their constituencies in a way that TURN and Greenlining do not. Accordingly, though the positions might have been similar at times, they are informed in a unique way through the Joint Parties' experience which lends credibility to Commission decision making.		Intervenor's participation was non-duplicative.

² The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

a. Intervenor's claim of cost reasonableness: The Joint Parties' advocacy reflected in D.14-08-032 addressed policy matters relating to PG&E's practices with regard to auditing, diversity, and customer engagement/education. For the most part, the Joint Parties cannot easily identify precise monetary benefits to ratepayers from their work related to D.14-08-032, given the nature of the issues presented and the fact that the Settlement provisions have yet to be implemented.	CPUC Discussion Intervenor's efforts are reasonably proportioned to the nature and scope of the settlement.						
b. Reasonableness of hours claimed: This Request for Compensation includes approximately 425.7 total hours for the Joint Parties' attorneys and staff. The Joint Parties submit that this is a reasonable amount of time, given the issues examined and the settlement reached. These hours were devoted to negotiations, research, substantive pleadings as well as to procedural matters. The Joint Parties' request also includes 24.2 hours devoted to the preparation of this request for compensation by Mr. Lewis.	As discussed in Section III.D below, some of the hours claimed for "General and Procedural" and for preparation of the request for compensation are disallowed.						
c. Allocation of hours by issue: <table border="1" data-bbox="240 1045 1138 1283"> <tr> <td>A. Settlement with PG&E</td><td>66%</td></tr> <tr> <td>B. General and Procedural</td><td>34%</td></tr> <tr> <td>Total</td><td>100%</td></tr> </table>	A. Settlement with PG&E	66%	B. General and Procedural	34%	Total	100%	See comments above.
A. Settlement with PG&E	66%						
B. General and Procedural	34%						
Total	100%						

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Robert Gnaizda	2012	54.3	\$545	D.14-07-025	\$29,593.50	45.1	\$545	\$24,579.50
Robert Gnaizda	2013	232.8	\$555	D.14-07-025	\$129,204.00	195.8	\$555	\$108,669.00
Robert Gnaizda	2014	6.5	\$565	See Comment	\$3,672.50	3.3	\$565	\$1,864.50

				#3				
Shalini Swaroop	2012	13.9	\$185	D.14-07-025	\$2,571.50	9.7	\$185	\$1,794.50
Shalini Swaroop	2013	7.8	\$190	D.14-07-025	\$1,482.00	4.7	\$190	\$893.00
Aaron Lewis	2012	12.7	\$110	See Comment #1	\$1,397.00	8.9	\$90	\$801.00
Aaron Lewis	2013	60.3	\$185	D.14-08-021	\$11,155.50	45.9	\$185	\$8,491.50
Aaron Lewis	2014	4	\$190	See Comment #2	\$760.00	2	\$190	\$380.00
Faith Bautista	2012	12	\$250	See Attachment B	\$3,000.00	11.4	\$155	\$1,767.00
Faith Bautista	2013	19.8	\$255	See Attachment B	\$5,049.00	17.4	\$160	\$2,784.00
Faith Bautista	2014	1.2	\$260	See Attachment B	\$312.00	0.6	\$165	\$99.00
Michael Phillips	2012	.9	\$390	D.14-07-023	\$351.00	0.5	\$390	\$195.00
Michael Phillips	2013	4.2	\$395	D.14-07-025	\$1,659.00	2.1	\$395	\$829.50
Subtotal: \$190,207.00						Subtotal: \$153,147.50		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Aaron Lewis	2014	24.2	\$95	See Comment #2	\$2,299	19.4	\$95	\$1,843.00
Subtotal: \$2,299.00						Subtotal: \$1,843.00		
TOTAL REQUEST: \$192,506.00						TOTAL AWARD: \$154,990.50		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR³	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Robert Gnaizda	Jan. 9, 1962	32148	No
Shalini Swaroop	June 11, 2010	270609	No
Aaron Lewis	Dec. 5, 2012	285526	No

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
	Certificate of Service (filed separately)
1	The Joint Parties request a 2012 hourly rate of \$110 for Mr. Lewis, as Mr. Lewis had completed law school and was awaiting his bar exam results. Law clerks have received up to \$120 per hour (D.11-05-016), and at this point, Mr. Lewis had worked part time on CPUC issues for two year, part-time, with the Joint Parties.
2	The Joint Parties request a 2014 hourly rate of \$190 for Mr. Lewis based on D.14-08-021, and a COLA increase authorized by Resolution ALJ-287.
3	The Joint Parties request a 2014 hourly rate of \$565 for Mr. Gnaizda based on D.14-07-025, and a COLA increase authorized by Resolution ALJ-287.
A	Hourly Rate for Ms. Bautista (2012-2014)
B	Time Records

D. CPUC Disallowances and Adjustments:

Item	Reason
Part III. A. b. (General and Procedural)	<p>The Commission disallows a total of 21.3 hours claimed under the heading “Genral and Procedural” that appear unproductive or unrelated to NAAC’s substantial contribution to D.14-08-032. The disallowed hours involve various non-compensable activities, such as seeking to enlist other minorities prior to the filing of the GRC, work on issues that were not part of the settlement (for example, executive compensation), or work that is insufficiently characterized (for example, “additional research”). On this basis, today’s decision disallows 5.1 hours claimed for Gnaizda in 2012, 11.7 hours claimed for Gnaizda in 2013, and 0.5 hours claimed for Lewis in 2012.</p> <p>The Commission also disallows 2.0 hours, which is about half the time claimed for</p>

³ This information may be obtained through the State Bar of California’s website at <http://www.calbar.ca.gov/>.

	<p>work on NAAC's motion for party status. Part of the time claimed is for filing and service, which is clerical support subsumed in the professional hourly rates set by the Commission. The time spent writing the motion is excessive, especially considering that a simple protest would have sufficed to obtain party status. (See Rule 1.4 (a)(2)(i).) For these reasons, today's decision disallows 2.0 hours claimed for Swaroop in 2013.</p> <p>In addition to the specific hours disallowed above, the Commission disallows half of the remaining hours that the Intervenor allocates to "general and procedural. The intervenor allocates slightly more than one-third (namely, 34%) of its total hours in this proceeding under the category that it labels "general and procedural." This is the sort of amorphous, indeterminate, category to which intervenors might allocate a few hours that could not fairly be subsumed in any specific issue-related activity. The allocation of one-third of NAAC's total hours to this category is excessive, particularly considering that NAAC's representatives are experienced in the Commission's practices and procedures. NAAC has not shown that its work claimed under "general and procedural" was efficient and productive.</p> <p>Consequently, today's decision further reduces the hours claimed in this category by 50% after removing from the total hours the specific disallowances already discussed.</p>
Part III. A.b. (Request for Compensation)	<p>The Commission disallows 20% (4.8 hours) of the 24.2 hours claimed for the preparation by Lewis of NAAC's request for compensation in 2014. Although the time records were extensive, the scope of NAAC's participation is narrow, almost all the work was performed by only three representatives, and all the hours were allocated between only two categories. As such, the time claimed for claim preparation is excessive and should be subject to a 20% disallowance.</p>
Part II.B (Hourly Rates)	<p>The Commission has applied a cost-of-living increase to the hourly rates for work performed by NAAC's representatives in 2014. (See Resolution ALJ-303 (12/4/2014).) The Commission sets Lewis's hourly rate for 2012, his last year as a law student, at \$90. Lewis was admitted to the California Bar on December 5, 2012, and today's decision approves hourly rates of \$185 and \$190, as requested by NAAC, for work performed by Lewis in 2013 and 2014, respectively.</p> <p>Today's decision approves hourly rates of \$155, \$160, and \$165 for work performed by Bautista in 2012, 2013, and 2014, respectively. The Commission exhaustively reviewed Bautista's qualifications in D.12-07-015 where it approved an hourly rate of \$150 for Bautista's work performed in 2011. Bautista has continued doing the same work since then. The work consists almost entirely of discussions with Gnaizda and attending meetings with various parties. The scope and nature of these activities do not warrant NAAC's requested \$100 per hour increase for Bautista's rate.</p>

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

1. National Asian American Coalition has made a substantial contribution to D.14-08-032.
2. The requested hourly rates for National Asian American Coalition's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$154,990.50.

CONCLUSIONS OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.
2. The comment period should be waived, and today's order should be made effective immediately, to facilitate prompt payment of the award.

ORDER

1. National Asian American Coalition is awarded \$154,990.50.
2. Within 30 days of the effective date of this decision, the Pacific Gas and Electric Company shall pay National Asian American Coalition the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 22, 2014, the 75th day after the filing of National Asian American Coalition's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	N/A
Contribution Decision(s):	D1408032		
Proceeding(s):	A1211009		
Author:	ALJ Division		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
National Asian American Coalition (NAAC)	10/8/14	\$192,506.00	\$154,990.50	N/A	Disallowance of hours in General and Procedural category that are excessive or fail to make a substantial contribution; disallowance of excessive hours claimed for compensation claim.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Gnaizda	Attorney	NAAC	\$545	2012	\$545
Robert	Gnaizda	Attorney	NAAC	\$555	2013	\$555
Robert	Gnaizda	Attorney	NAAC	\$565	2014	\$565
Shalini	Swaroop	Attorney	NAAC	\$185	2012	\$185
Shalini	Swaroop	Attorney	NAAC	\$190	2013	\$190
Aaron	Lewis	Law Clerk	NAAC	\$110	2012	\$90
Aaron	Lewis	Attorney	NAAC	\$185	2013	\$185
Aaron	Lewis	Attorney	NAAC	\$190	2014	\$190
Faith	Bautista	Advocate	NAAC	\$250	2012	\$155
Faith	Bautista	Advocate	NAAC	\$255	2013	\$160
Faith	Bautista	Advocate	NAAC	\$260	2014	\$165
Michael	Phillips	Expert	NAAC	\$390	2012	\$390
Michael	Phillips	Expert	NAAC	\$395	2013	\$395

(END OF APPENDIX)